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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,069	05/13/1999	SHIGETAKA TANAKA	2271/59262	8608
7590	08/02/2005		EXAMINER	
COOPER & DUNHAM LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10038				POKRZYWA, JOSEPH R
		ART UNIT		PAPER NUMBER
		2622		

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/317,069	TANAKA, SHIGETAKA
Examiner	Art Unit	
Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 6/30/05, and has been entered and made of record. Currently, **claims 1-11** are pending.

### ***Response to Arguments***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action dated 4/7/05 is persuasive and, therefore, the finality of that action is withdrawn.
3. Applicant's arguments, see pages 9-13, filed 6/30/05, with respect to the rejection(s) of claim(s) 1-11 under 35U.S.C.103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kida *et al.* (U.S. Patent Number 5,293,253).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2, and 4-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Kida *et al.* (U.S. Patent Number 5,293,253).

Regarding **claim 1**, Kida discloses a facsimile communication method for performing a Group 3 facsimile communications operation using an optional frame signal (see abstract, column 4, lines 4-61, and column 9, line 66-column 10, line 35) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), wherein the identification information of the calling facsimile machine identifies the calling facsimile machine (column 4, lines 48-61, being the NSS (TSI) or the TSI signal), comparing the identification information of the calling facsimile machine with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11).

Regarding **claim 2**, Kida discloses the method discussed above in claim 1, and further teaches that the identification information prestored in the memory comprises subscriber identifications each contained in a frame TSI to be generated by each of the plurality of different

facsimile machines and the identification information received in the receiving step is a subscriber identification contained in a frame TSI generated by the calling facsimile machine (column 4, lines 17-61, the NSS (TSI) or the TSI signal).

Regarding *claim 4*, Kida discloses a facsimile communication method for performing a Group 3 facsimile communications operation using optional frame signals in a calling number display service mode (see abstract, column 4, lines 4-61, and column 9, line 66-column 10, line 35) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), receiving a telephone number of a calling facsimile machine during a call establishing process in the calling number display service mode and a signal requesting a facsimile communications operation using an optional frame (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), verifying the telephone number of the calling facsimile machine received in the receiving step with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the telephone number of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the telephone number of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11).

Regarding *claim 5*, Kida discloses a facsimile apparatus (see Fig. 7) comprising memory means for prestoring identification information for a plurality of different facsimile machines

having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), modem means (modem 4) for receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), and a controller means (CPU 22) for verifying the identification information of the calling facsimile machine with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11), wherein the identification information of the calling facsimile machine identifies the calling facsimile machine (column 4, lines 48-61, being the NSS (TSI) or the TSI signal).

Regarding *claim 6*, Kida discloses a facsimile apparatus (see Fig. 7) comprising memory for prestoring identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), a modem (modem 4) for receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), and a controller (CPU 22) for verifying the identification information of the

calling facsimile machine with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11), wherein the identification information of the calling facsimile machine identifies the calling facsimile machine (column 4, lines 48-61, being the NSS (TSI) or the TSI signal).

Regarding *claim 7*, Kida discloses a facsimile communication method for performing a Group 3 facsimile communications operation using an optional frame signal (see abstract, column 4, lines 4-61, and column 9, line 66-column 10, line 35) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), and verifying the identification information of the calling facsimile machine with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), wherein when the identification information of the calling facsimile machine does not correspond with the identification information prestored in the

memory, standard facsimile operations that do not use the optional frame are performed while facsimile operations that would use the optional frame are cancelled (step V3 and V6 in Fig. 11, column 10, lines 1-35).

Regarding *claim 8*, Kida discloses the apparatus discussed above in claim 5, and further teaches that the memory means stores a table of identification information identifying facsimile machines capable of operating with optional frames (column 7, lines 33-50, and column 10, lines 1-35).

Regarding *claim 9*, Kida discloses the apparatus discussed above in claim 6, and further teaches that the memory stores a table of identification information identifying facsimile machines capable of operating with optional frames (column 7, lines 33-50, and column 10, lines 1-35).

Regarding *claim 10*, Kida discloses a method for performing a facsimile communications operation using an optional frame signal (see abstract, column 4, lines 4-61, and column 9, line 66-column 10, line 35) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), verifying the identification information of the calling facsimile machine with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the identification

information of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11), wherein the identification information of the calling facsimile machine identifies the calling facsimile machine (column 4, lines 48-61, being the NSS (TSI) or the TSI signal).

Regarding *claim 11*, Kida discloses a method for performing a facsimile communications operation using optional frame signals in a calling number display service mode (see abstract, column 4, lines 4-61, and column 9, line 66-column 10, line 35) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (RAM 24, see Fig. 7, column 7, lines 33-50, and column 10, lines 1-11), receiving a telephone number of a calling facsimile machine during a call establishing process in the calling number display service mode and a signal requesting a facsimile communications operation using an optional frame (step V1 and V2 in Fig. 11, column 9, line 27-column 10, line 11), verifying the telephone number of the calling facsimile machine received in the receiving step with the identification information prestored in the memory (steps V1-V3 in Fig. 11, column 10, lines 1-20), canceling performance of the facsimile communications operation using the optional frame when the telephone number of the calling facsimile machine does not correspond with the identification information prestored in the memory (step V3 and V6 in Fig. 11, column 10, lines 12-35), and executing the facsimile communications operation using the optional frame when the telephone

number of the calling facsimile machine corresponds to the identification information prestored in the memory (steps V3-V5 in Fig. 11, column 10, lines 1-11), wherein the identification information of the calling facsimile machine identifies the calling facsimile machine (column 4, lines 48-61, being the NSS (TSI) or the TSI signal).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kida *et al.* (U.S. Patent Number 5,293,253) in view of Imai *et al.* (U.S. Patent Number 6,104,504, cited in the Office action dated 4/7/05).

Regarding **claim 3**, Kida disclose the method discussed above in claim 1, and further teaches that the optional frame are in conformance with the recommendation T-30 of ITU-T (column 4, lines 17-61).

However, Kida fails to expressly disclose if the optional frame include SUB, SEP, and PWD in conformance with the recommendation T-30 of ITU-T.

Imai discloses a facsimile communication method for performing a Group 3 facsimile communications operation using an optional frame signal (column 1, lines 9 through 55, and column 3, lines 22 through 28, being a SEP signal) comprising providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile

machines having common specifications of optional frames (step S108, being a document sheet, designated by a document sheet number, stored in a polling queue, column 5, line 16 through column 6, line 36, whereby the document sheets numbers are different for each destination station, and document sheets for a plurality of destinations may be stored), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (column 5, lines 19 through 32), comparing the identification information of the calling facsimile machine () with the identification information prestored in the memory (step S110 in Fig. 6, column 5, lines 31 through 35, whereby the document sheet designated by the document sheet number is “collated” (or compared) with the document sheet number of the document sheet in the queue), canceling performance of the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine does not correspond with the identification information prestored in the memory (“no” in step S110 in Fig. 6, column 5, lines 31 through 40, wherein “if there is no matching document sheet, ... the process is terminated”), and executing the facsimile communications operation using the optional frame when the identification information of the calling facsimile machine corresponds to the identification information prestored in the memory (“yes” in step S110, which proceeds to step S111 to transmit the original image, column 5, lines 31 through 40, wherein “if there is a matching document sheet, the document sheet is transmitted”). Further, Imai teaches that the optional frame include SUB, SEP, and PWD in conformance with the recommendation T-30 of ITU-T (column 1, lines 10 through 55).

Kida & Imai are combinable because they are from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Kida's system include the optional frames of SUB, SEP, and PWD, as taught by Imai. The suggestion/motivation for doing so would have been that Kida's system would conform with well-known standards of facsimile protocol, as recognized by Imai in column 1, lines 10-55. Therefore, it would have been obvious to combine the teachings of Imai with the system of Kida to obtain the invention as specified in claim 3.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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jrp

